

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN M. MONTENEGRO,

Plaintiff,

v.

ANTHONY, et al.,

Defendants.

1:23-cv-00474-ADA-GSA-PC

**ORDER DENYING PLAINTIFF'S SECOND
REQUEST FOR SETTLEMENT CONFERENCE
AS PREMATURE, WITHOUT PREJUDICE**

(ECF No. 9.)

Juan M. Montenegro ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The Complaint commencing this action was filed on March 28, 2023 and awaits the Court's requisite screening under 28 U.S.C. § 1915. (ECF No. 1.)

On August 4, 2023, Plaintiff filed a request for the Court to schedule a settlement conference for this case. (ECF No. 9.) This is Plaintiff's second request for a settlement conference. On April 28, 2023, Plaintiff filed the first request. (ECF No. 7.) On May 2, 2023, the Court issued an order denying Plaintiff's first request as premature. (ECF No. 8.)

Plaintiff's second request for a settlement conference is also premature, for the same reason his first request was premature -- because no defendant has appeared in this case.

1 Plaintiff was advised in the Court's prior order that he must wait for the court to screen
2 his Complaint before defendant will be served with process. The Court is required by law to
3 screen complaints brought by prisoners seeking relief against a governmental entity or officer or
4 employee of a governmental entity, such as Plaintiff's action. 28 U.S.C. § 1915A(a). Service
5 will be ordered by the Court *sua sponte* only after the court has screened the Complaint and
6 determined that it contains cognizable claims for relief against the named defendant.

7 It is too early in this case for the Court to schedule a settlement conference. Therefore,
8 Plaintiff's request shall be denied, without prejudice to renewing his request at a later stage of
9 the proceedings.

10 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's request for the Court to
11 schedule a settlement conference for this case is premature, and Plaintiff's request is denied,
12 without prejudice to renewing his request at a later stage of the proceedings.

13
14 IT IS SO ORDERED.

15 Dated: August 8, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE